of carbon dioxide. That's the amount that should be reduced by the electric utility sector under our treaty commitment to try to reduce greenhouse gas emissions to 1990 levels. Clearly, we have failed.

Perhaps these shortfalls are why no Senators cosponsored the President's Clear Skies proposal when it was finally introduced last year. Perhaps the elimination of important State and local air protection authorities kept senators from supporting it.

Whatever the reason, the President's proposal had little or no public support. Yet, since January 20, 2001, the administration has had every opportunity to constructively engage with us and promote his Clear Skies proposal.

But, they did little or nothing. They certainly did not respond in a timely, helpful way to legitimate inquiries on its effects.

Instead, they spent their time figuring out ways to deregulate and to rollback air quality protections under the cloak and shadow of their three-pollutant initiative.

Perhaps now, as the 2004 elections get nearer and the administration as yet has no tangible and positive environmental achievements of its own, we can work together, I urge us to work together to make progress.

But, unless the Administration agrees to cooperate on information sharing and problem solving, we are going to get nowhere even faster. We cannot afford to change and we should not change the Clean Air Act without knowing the likely outcome of our actions.

Let's assume for a moment that we all want the same things. We want to stop acid rain. We want to reduce mercury-related fish contamination and birth defects. We want to start dealing with manmade global warming. Most importantly, we want cleaner, clearer air as soon as we can get it.

We can achieve all those goals in a four-pollutant bill. We can do even better than the Clean Air Act at full implementation if we have the will and the courage. But doing less than the Clean Air Act would provide is simply backsliding.

I will soon be introducing an alternative to the President's proposal with Senators COLLINS, LIEBERMAN and others. This legislation is a better and much more accurate response to the environmental and public health problems that our Nation faces.

In the coming days and weeks, I will take to the floor to discuss the need for strong legislation.

I will continue my efforts to obtain information that the administration continues to withhold. This regards the legal, public health and environmental effects of their deregulation efforts as well as their three-pollutant approach.

A detailed chronology of correspondence on our New Source Review requests appears in the RECORD of January 21st.

On Tuesday evening, the EPA Administrator called to tell me the President would speak on the Clear Skies proposal in the State of the Union. She said she hopes we can work together. I don't doubt Governor Whitman's sincerity. But, so far, ''working together'' on environmental policy has been an alien concept for this White House. Instead, they have left Congress, the States, the environmentalists, and the people, in a public relations haze.

Progress will be much easier and swifter if we can really work together honestly and without all the smoke and mirrors. That is the only way to approach these severe public health and environmental problems. That is why a four-pollutant bill is necessary.

I point to the chart and urge people to look at this chart which demonstrates very clearly what would happen if we leave things the way we are or if we put the ''Clear Skies'' in. We are much better off to leave the Clean Air Act where it is than we are to do anything. But we will be producing and bringing forward at a future time our four-pollutant bill, again, which will do even more than the present Clean Air Act and does not degrade or lessen the Clean Air Act.

I urge everyone to be very alert about what is going on in the environmental legislation because it could get better and save lives or it could knock it out.

I yield the floor.

## DAVID HOPPE

Mr. DASCHLE. Mr. President, I want to take a moment to join many of my colleagues, Democrats and Republicans, to thank Dave Hoppe for his service to the Senate and to wish him well as he continues to pursue new opportunities.

One of the reasons we will miss Dave is because he exemplifies the best of the Senate—a place where we can find compromise, a place where we can disagree passionately, but one where we can do so honestly, and amicably.

From personal experience, I can tell you that Dave is a gifted negotiator, and, when necessary, a tough adversary.

But I can also tell you that much of what I admire about him—much of what we all admire about him—transcends his political skill, and his legislative prowess. It is his decency.

In 1997, Dave drew on his personal experience, and became integral in bringing the Individuals with Disabilities Education Act into being. In talking about the issue of disability in our society, Bob Dole once said, ''some issues transcend politics, foster a bipartisan spirit, and result in legislation that makes a real and lasting difference.''

Because of Dave, disability education is one of those issues.

And, as Dave leaves, I think we could modify Bob Dole's words. There are some people who transcend politics, foster a bipartisan spirit, and make a real and lasting difference. Dave is one of those people.

So, Dave, I want to thank you, congratulate you, and wish you and Karen—and Katie and Geoffrey and Gregory—all the best in the years ahead.

Mr. ALLARD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ALLARD. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:26 p.m., recessed subject to the call of the Chair and reassembled at 6:59 p.m. when called to order by the Presiding Officer (Mr. CHAMBLISS).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the statements of Senators HARKIN and DURBIN be printed as in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOMINATION OF JOHN W. SNOW

Mr. DURBIN. Mr. President, pursuant to that unanimous consent request, I would like to take the floor for a few moments and then yield to my friend Senator HARKIN.

This evening, we are considering the nomination of John Snow to be the Secretary of the Treasury. It is a very important position, one of the most important in the President's Cabinet. I have had the opportunity on two occasions now to sit down with Mr. Snow and discuss with him a number of issues, but in particular one that I would address this evening. After these conversations, I am happy to report I will be supporting his nomination as Secretary of the Treasury. He will have an awesome responsibility in this post. I hope he can rise to that challenge. His resume shows that he can and that he will serve our Nation with pride.

The particular issue which drew us together last night and again this evening is one that Senator HARKIN has been the leader on for many years. Literally millions of Americans have pension plans which they have worked long and hard to maintain in their place of employment. The traditional defined-benefit plan is one where someone works for a company for a certain number of years and the company promised that at retirement they would pay them a certain amount of money. That is the retirement plan with which most people are familiar. That is the basic and traditional approach. But over the years retirement plans have changed. They have become more like 401(k)s or savings plans or investment plans, and those are known as cash-benefit plans. Some companies have decided to go with defined-benefit plans and some with cash-benefit plans. But many employees have been caught in the middle. Some started working for a company thinking they had a defined-benefit plan. Then the company at a later date says for a variety of reasons we are going to move to this other cash-balance plan. For some employees, it is a good choice. If you are a young worker in a company, and they come in and say, Listen, you don't know if you are going to be at this place the rest of your life; you may pick up and move to another job; would you rather have something like a cash-balance plan where you know how much money is there? It is invested. You can build it up over the years and move it with you from job to job. A lot of younger workers said, That is exactly what I want.

But the worker who has been on that job for longer periods of time has built up benefits under the defined-benefit plan may say, Wait a minute. Don't change the rules at this point. I am nearing retirement. I know what I was supposed to receive. I don't want to change the benefit plan at all.

Therein lies the dilemma. Some corporations have said to employees, You make the decision. Decide what is best for you. Stick with the old defined-benefit plan or move to the cash-balance plan. But it is your choice.

Frankly, from my point of view and Senator HARKIN's point of view, that is fair. Let the employee decide his fate. Let the employee decide what is best for him, for his family, and for his future. That is what we would like to see.

Frankly, that really was the law and the rule for so long, thanks to the hard work of Senator HARKIN of Iowa protecting the rights of employees.

A month ago, there was a shocking rule issued by the Treasury Department which basically said the corporations could wipe out defined-benefit plans and say to that employee of many years, Guess what. We have changed the rules. You are now in a cash plan.

I was at a press conference and met with some former IBM employees who went through that experience. It is really heartbreaking to hear what it meant to their families, and where they expected to end up generating some $4,000 a month in retirement income is now going to generate about $2,000. It means, frankly, the survivor benefits are sacrificed and a quality of life has been lost.

Senator HARKIN, myself, Congressman GEORGE MILLER of California, and Congressman BERNIE SANDERS of Vermont have really tried to dramatize this issue and this new proposed rule, and to say to the Treasury Department, For goodness sakes, treat these workers fairly. Don't force them into a plan that is going disadvantage them or their families.

We gathered together some signatures—I don't take any credit for it; the work was done primarily by the two House leaders I just mentioned—over 226 signatures of Members of Congress in both the House and the Senate, saying to the President and the Treasury Department, Don't change the rules in midstream. Protect these employees.

Along comes the President's nominee for the Treasury Department, John Snow. Of course, he will be the man to make the ultimate decision on the rule and whether it will be fair to employees. Senator HARKIN and I sat down with him this evening and had a lengthy and very positive conversation.

John Snow comes to us from a career in private business where he has been a CEO of the CSX Railroad. He explained to us when his railroad decided to change pension plans, they left it up to the employees to decide. He thought that was a fair thing to do with his railroad. We think it is a fair thing to do for every company. He talked about other businesses he worked with where the same thing occurred.

He said to us he was going to be fair and objective, and he was going to take the rights of the worker into account for any rule related to future pension plans.

We talked about the fact that when it comes to Members of Congress, that is exactly the standard we followed when it came to our retirement. I guess it was 10, 12 years ago we decided to change the retirement plan. We went to individual Members of Congress and said, What do you choose? What is best for you and your family? That was our way. Should it not be the right of every American worker?

In a meeting with Senator HARKIN and myself, we decided to let this nominee go forward to give Mr. Snow an opportunity to become the Treasury Department Secretary and to use his values and corporate experience which he brings to the job not only to serve the Nation but to treat American workers and retirees fairly.

I want to especially thank Senator HARKIN. This is not the kind of issue likely to be on the front page of any newspaper, but it is the kind of issue that is likely to be front and center on the dining room table of American families who are genuinely concerned about their future. He fought a long and lonely battle on this issue. I was happy to support him. But he deserves credit for his leadership. The meeting with the new Treasury Secretary today points us in the right direction. We want to work with this Treasury Department and with this Secretary to be fair to workers across America.

I will support the nomination of John Snow for Treasury Secretary because I believe he brings the right values and the right corporate experience to this job. I am sure I am going to disagree with him on many issues. But on this particular issue, the assurances which he gave us this evening are the basis for us to go forward and approve his nomination.

At this point, I would like to yield to my leader on this issue, my colleague from Iowa, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend and colleague from across the Mississippi River in Illinois, Senator DURBIN, for the very kind and overly generous words. More than that, I thank him for his diligence and for his hard work on this issue which means so much to the average working person in America.

I will just say at the outset that Senator DURBIN has, I believe, correctly laid out the meeting we had with Mr. Snow earlier this evening, and has also correctly portrayed the assurances we got from Mr. Snow regarding this issue and how he would approach it as the new Secretary of the Treasury.

Again, I want to make it clear that the actions of this Senator earlier today and yesterday in wanting to have a bit of time here to talk about this before we voted on this nomination had nothing to do with Mr. Snow. I said that earlier this evening. This is nothing personal at all. He has a very distinguished career in the business community. He was head of the CSX Railroad, I guess for well over 20-some years, if I am not mistaken, and has served well on boards of schools, universities, John Hopkins, and others. In other words, he has been both a business leader and a community leader.

Again, I want to compliment him and commend him for his distinguished career and for his service both to his company and to our country.

I congratulate Mr. Snow on his nomination for Secretary of the Treasury and will join with my colleagues in supporting that nomination.

I feel, as Senator DURBIN said, that he gave us assurances on this issue—and I will talk more about this issue in a minute—dealing with pensions and workers' rights; that he will assure the fairness and equity as the rule. In fact, I wrote down exactly what Mr. Snow said. He said:

> I believe we should protect the basic rights of workers. And, if a rule doesn't meet that test, it won't move forward. Fundamental fairness will be at the center of any policy.

I compliment Mr. Snow for that. As Senator DURBIN pointed out, as the CEO of the CSX Railroad, when they changed their plan over from a defined-benefit plan to a cash-balance plan, they left in place for older workers the defined-benefit plan. In other words, they could stay with that plan. Newer, younger workers could go with cash balance plans. To me, that really makes sense. That is really the way we ought to be going in this country when we talk about our pensions and protecting our pensions.

So my actions here yesterday and today have not been about Mr. Snow. They have been about this issue. It is an issue of fundamental fairness for people who work hard, play by the rules, and then find out—after working

20 or 30 years—that what they thought they were going to get has been taken away. So that is what this is about.

Over the last several days, I have been reading a book that was given to me last year. I had not gotten to it. I have now been reading it. I am almost finished with it. I recommend it highly. It is a book by Kevin Phillips called ''Wealth and Democracy.''

I remember in one part of the book he pointed out that over the last 30 years—I think from 1970 to about the year 2000—the difference in the compensation for our CEOs and the people who work on the shop floor, so to speak, has been that in 1972, the average CEO salary was about 42 times that of the average worker in that corporation. That was 1970—42 times; by the year 2000, that gap had widened to 417 times. In other words, today, the average CEO is getting 417 times the compensation of the average worker in that corporation. So that gap has widened tremendously.

Also what has happened is that we see, time and time and time again, that when CEOs of these large corporations hit a rough spot—the company maybe has a rough spot, the CEOs leave the corporation—they get wonderful golden parachutes. They get wonderful retirement programs. We have to have that same kind of fairness for the average workers.

In 2001, we passed numerous pension provisions that had wide support. Many provisions favored those making more than $200,000 a year. I am not saying those provisions are bad, but we need some balance.

In the early 1990s, U.S. companies began a process of switching from defined benefit pension plans to cash balance plans. I am not going to get into the esoteric descriptions of defined benefits plans and cash balance plans, but only to say that many workers who affected by these changes had no idea what was happening to their pensions.

You might ask: Why has this all of a sudden come to the forefront in the year 2003? Well, it did not. I first drafted legislation in 1999, because by that time workers whose pensions had been changed in the early and mid-1990s, and who were now really facing retirement, all of a sudden woke up and found out that they did not have what they thought they would, and they had no recourse.

So, in 1999, I introduced a bill to make it illegal for corporations wear away the benefits of older workers during cash balance conversions. We had a vote on that bill in the Senate. I offered it as an amendment to the reconciliation bill, and a point of order was raised, so we had to vote to waive the point of order. 48 Senators, including 3 Republicans, voted to waive the budget point of order so we could consider this amendment. Obviously, we did not have enough votes.

After that, more and more stories came out about how many workers were losing their pensions. In April of 2000, I offered a sense-of-the-Senate resolution to stop this practice, and it passed the Senate unanimously. The Secretary of the Treasury put a moratorium on conversions from defined benefit plans to a cash balance plans. That moratorium has been in effect now for over three years.

Last month, a rule was proposed by the Treasury Department—a rule that would turn the clock back, undo the moratorium, and allow companies to once again engage in the practice of switching from defined benefit plans to cash balance plans and wear away the benefits of older workers.

So that is why I wanted to utilize this time and this nomination of Mr. Snow to be Secretary of the Treasury, to raise this issue once again and to talk with Mr. Snow about it as the incoming Secretary of the Treasury. We cannot permit this rule to just go forward. I think it was clear here in the Senate, in 2000, that we did not want that practice to continue. So I wanted to take this time to bring this issue to the forefront.

What are we talking about when we talk about how much people are losing in this? This morning, we had a press conference. We had a man there by the name of Larry Cutrone. He was one of thousands robbed of the full value of their earned pensions. He said that before AT&T converted his pension, it was valued at $350,000. After the conversion, in July 1997, the value dropped to $138,000. The calculation period for his pension was frozen at 1994–1996 salaries, so no value to his retirement account was added for any years he worked after the conversion.

So he said:

> In September 2001, I was ''downsized'' out of AT&T and decided to take my pension. I discovered that it translated into an annual income of just $23,444 instead of the $47,303 income under the old plan.
>
> When these plans were changed over, workers were not informed that this could happen. They woke up one day and found out: they have less than 50 percent of what they thought they were going to get in their retirement.

Is that fair? Is that equitable?

Mr. President, I ask unanimous consent that this statement of Larry Cutrone that he gave this morning be printed in its entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF LARRY CUTRONE

My name is Larry Cutrone, one of thousands robbed of the full value of their earned pensions due to the ''Cash Balance'' pension conversion. Before AT&T converted my pension it was valued at $350,000 and after the conversion in July 1997, the value dropped to $138,000. Even with AT&T's ''Special Update'' enhancement to my account, the value only rose to $150,000. The calculation period for my pension was frozen at 1994–1996 salaries, so no value to my retirement account was added for any years I worked after the conversion.

In September 2001, I was ''downsized'' out of AT&T and decided to take my pension. I discovered that it translated into an annual income of just $23,444 instead of the $47,303 income under the old plan. This seems meager after 31 loyal years of service to the company. As a result, my wife was forced to waive her rights to the survivor benefits of my pension in the event I predecease her. Invoking these rights would have meant between 8% and 20% less per month. While my pension was reduced by more than half, my monthly contribution for medical benefits was increased five times this year.

As representatives of ''AT&T Concerned Employees Council on Retirement Protection'' (ACE CORP), we are willing to publicize our personal situation in order to bring to the forefront the negative impact of the forced cash balance pension on the older worker. We urge President Bush to support Congressman SANDERS, MILLER, Senator HARKIN, and their fellow representatives to revise his proposal to the IRS by including protection for the older worker and preventing them from becoming ''Pension Challenged'' by ''Cash Imbalance''!

In President Bush's radio address this past Sunday he states ''In 2003, we must work to strengthen our economy; improve access to affordable, high quality health care for all our seniors . . .'' In his State of the Union Address, he urged Congress to pass his plan ''. . . to strengthen our economy and help more Americans find jobs.'' (Assuming he makes these comments in his State of the Union Address on Tuesday.) We hope our efforts will convince President Bush that his IRS Proposal and the affect of the cash balance pension on the older worker further reduces consumer spending, and reduces tax revenue while causing our economy to continue suffering. We are aware of any negative impact to the corporations who convert to cash balance pension plans. Should the loyal worker and subsequently America's economy be penalized?

Mr. HARKIN. Mr. President, 189 Members of the House of Representatives and 25 Senators signed a letter that was sent today to President Bush, asking that we do not reopen the floodgates, that we withdraw this rule and promulgate a rule that is fair and equitable. As we said in our letter:

> We are writing to strongly urge you to withdraw proposed Treasury Department regulations regarding cash balance pension plans and to issue new regulations that will prohibit profitable companies from reducing the pension benefits of existing employees or retirees by converting to age-discriminatory cash balance plans.
>
> The recently proposed regulations would create an incentive for thousands of companies to convert to cash balance plans by providing legal protection against claims of age bias by older employees.

Often when companies switch from defined benefit plans to cash balance plans, a worker can work for 20 or 25 years, but the employer may not pay anything into your pension plan for several years. But they will contribute to a younger worker who has only been there for 2 years.

So let's understand this. You have two workers work for the same company, doing the same job. One gets extra wages in the form of a benefit of money put into a cash balance account. The other worker, who has been there 20 or 25 years, does not get it. That is age discrimination, pure and simple, in violation of Federal law. The only reason the one person is not getting it is because they have been there longer.

The younger worker gets the money; the older worker does not. That is age discrimination, pure and simple.

As we said in our letter:

[The proposed] regulations [from Treasury] would result in millions of older employees losing a significant portion of the annual pension they had been promised by their employer and had come to rely upon as part of their retirement planning.

That is what happened to Larry Cutrone.

We write:

We urge you to direct the Treasury Department to immediately withdraw these proposed regulations and instead issue regulations that provide for the protection of older employees pensions.

At a time when millions of employees are still reeling from significant losses to their 401(k) retirement plans because of corporate scandals and the ongoing weakness in the stock market, we believe these regulations represent another serious blow to the retirement security of hard working Americans who have played by the rules in their companies only to see the rules of the game . . . change midway through their careers.

I ask unanimous consent this letter, signed by 189 Members of the House and 25 Senators, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, January 30, 2003.*

The Hon. GEORGE W. BUSH,
*President of the United States,*
*Washington, DC.*

DEAR PRESIDENT BUSH: We are writing to strongly urge you to withdraw proposed Treasury Department regulations regarding cash balance pension plans and to issue new regulations that will prohibit profitable companies from reducing the pension benefits of existing employees or retirees by converting to age-discriminatory cash balance plans. (Federal Register, December 11, 2002, Internal Revenue Service, 26 CFR Part 1, REG–209500–86, REG–164464–02, RIN 1545–BA10, 1545–BB79.)

According to the General Accounting Office, annual pension benefits of older employees can drop by as much as 50 percent after a company converts from a traditional defined benefit plan to a cash balance plan. Large companies favor the conversion because they can save hundreds of millions of dollars a year in pension costs. Delta Airlines, for example, recently announced it would save $500 million per year by switching to a cash balance plan. In the late 1990s, IBM initially estimated it would save $200 million per year by switching to a cash balance plan. IBM, AT&T, and Verizon are among the 300 to 700 large companies that have already converted to a cash balance pension plan. An additional 300 companies had been waiting for IRS approval of their conversion plans even before the regulatory change was announced. Thousands of companies employing millions of people would be eligible to convert their pension plans under the proposed regulations.

Switching to a cash balance plan in midstream has the greatest negative effect on older employees who have worked for many years with one company and plan to continue to work for additional years for the same employer.

As you know, in September 1999, the IRS issued a moratorium on issuing letters of approval to companies for pension plan conversions because of age discrimination concerns. There are over 800 age discrimination complaints currently pending before the EEOC based on cash balance conversions. The 1999 moratorium has nearly stopped the flow of companies converting to cash balance plans.

The recently proposed regulations would create an incentive for thousands of companies to convert to cash balance plans by providing legal protection against claims of age bias by older employees. The regulations would result in millions of older employees losing a significant portion of the annual pension they had been promised by their employer and had come to rely upon as part of their retirement planning.

We urge you to direct the Treasury Department to immediately withdraw these proposed regulations and instead issue regulations that provide for the protection of older employees' pensions.

At a time when millions of employees are still reeling from significant losses to their 401(k) retirement plans because of corporate scandals and the ongoing weakness in the stock market, we believe these regulations represent another serious blow to the retirement security of hard working Americans who have played by the rules in their companies only to see the rules of the game for rank and file employees change midway through their careers.

Re-opening the floodgates for cash balance conversions will destroy what is left of our private pension retirement system. This is a devastating step that your Administration need not and should not allow.

We deeply appreciate your attention to the concerns that we are expressing on behalf of the millions of employees who will depend on their pensions for a secure retirement. We look forward to working with you to protect the pension security of America's workers.

Sincerely,

Bernard Sanders, George Miller, Tom Harkin, Barbara Boxer, Tom Daschle, Nancy Pelosi, Edward Kennedy, Paul Sarbanes, Carl Levin, Christopher Dodd, Charles Schumer, Dianne Feinstein, Jon Corzine, James Jeffords, Mark Dayton, Patrick Leahy, Barbara Mikulski, Russell Feingold, Hillary Rodham Clinton, Maurice Hinchey, John McHugh, John Dingell, David Obey, Barney Frank, Tom Lantos, Paul Kanjorski, Lloyd Doggett, Robert Andrews, Jane Harman, David Price, Gene Green, Lucille Roybal-Allard, Rodney Alexander, James Clyburn, David Scott, Ike Skelton, Ed Pastor, Adam Smith, Gil Gutknecht, Ron Kind, James T. Walsh, Nick Lampson, Jay Inslee, Sherwood Boehlert.

Rahm Emanuel, Madeleine Bordallo, Rob Simmons, Solomon Ortiz, Sanford Bishop, Gregory Meeks, Steve Israel, Kendrick Meek, Steny Hoyer, Bob Etheridge, Artur Davis, Ruben Hinojosa, Mike Thompson, Brad Miller, Max Sandlin, Dutch C.A. Ruppersberger, Anibal Acevedo-Vila, Adam Schiff, Sander Levin, Michael Honda, Melvin L. Watt, Lincoln Davis, Marion Berry, Jim Cooper, Frank W. Ballance, Jr., Shelley Berkley, Chris Bell, Dennis A. Cardoza, Jack Quinn, Nick J. Rahall, II, Michael R. McNulty, Richard Gephardt, Timothy Bishop, Karen McCarthy, Raul Grijalva, Stephen Lynch, Ciro Rodriguez, Bart Gordon, Mike Ross, John Spratt, Robert Menendez, Virgil Goode, Jr., Denise Majette, Maxine Waters, Nita Lowey, Jim Moran, Charles Gonzalez, Joseph Hoeffel.

Jerry Costello, Sheila Jackson-Lee, Harold Ford, Jr., Bobby Rush, Tom Udall, Timothy Ryan, Thomas Allen, Elijah Cummings, Michael Michaud, Norman Dicks, Robert Brady, Eddie Bernice Johnson, Jim Davis, Linda Sanchez, Vic Synder, William Jefferson, Tim Holden, Diane Watson, Carolyn Maloney, Lane Evans, Jesse Jackson, Jr., Robert Wexler, Anthony Weiner, Betty McCollum, William Lipinski, Peter Visclosky, Anna Eshoo, Steven Rothman, Darlene Hooley, Nydia Velaquez, Martin Olav Sabo, Gene Taylor, Ted Strickland, Danny Davis, Loretta Sanchez, Chaka Fattah, Grace Napolitano, John Lewis, Martin Meehan, Bart Stupak, Ellen Tauscher, Chris Van Hollen, Zoe Lofgren, Edward Markey, Collin Peterson, Henry Waxman, Michael Capuano, Diana DeGette.

Jerrold Nadler, Bill Pascrell, Albert Russell Wynn, Joseph Crowley, Gary Ackerman, Carolyn McCarthy, Gerald Kleczka, John Murtha, Donald Payne, Louise McIntosh Slaughter, Tammy Baldwin, John Conyers, Susan Davis, Neil Abercrombie, Mike McIntyre, Fortney Pete Stark, Hilda Solis, Bob Filner, Alcee Hastings, John Tierney, Jose Serrano, James Langevin, Frank Pallone, Earl Blumenauer, Juanita Millender-McDonald, Barbara Lee, Lynn Woolsey, Robert Scott, Rush Holt, James McGovern, Stephanie Tubbs Jones, John Olver, Lois Capps, Sam Farr, Corrine Brown, Dale Kildee, Patrick Kennedy, William Delahunt, Edolphus Towns, Joe Baca, Eliot Engel, Silvestre Reyes, William Lacy Clay, Michael Doyle, Carolyn Kilpatrick, Sherrod Brown, Luis Gutierrez, Janice Schakowsky.

Howard Berman, Bennie Thompson, Julia Carson, Mark Udall, Rosa DeLauro, Peter DeFazio, Martin Frost, Marcy Kaptur, Dennis Kucinich, Major Owens, Peter Deutsch, Eleanor Holmes Norton, James Oberstar, Jim McDermott, Rick Larsen, Donna Christensen, John D. Rockefeller IV, Maria Cantwell, Jack Reed, Harry Reid, Daniel Akaka, Richard Durbin, Frank Lautenberg, Debbie Stabenow, Christopher Smith, Daniel Inouye, Alan Mollohan, Ed Case, Bill Nelson.

Mr. HARKIN. We have right now over 1,000 cases pending before the Equal Employment Opportunity Commission, over 1,000 cases regarding age discrimination. These are cases of people who have had their retirement pensions, what they were promised, reduced like Larry Cutrone; 1,000 cases filed under age discrimination. I believe these cases have merit. They are going to go forward. They are going to go into Federal courts.

I want to make it very clear: I am not opposed to cash balance plans. Some cash balance plans can be very good. What I am opposed to is the unilateral decision of a company being able to change their plans and stop contributing to an employee's pension without their knowledge. That is what I am opposed to.

That is what this issue is all about. It is fairness. It is equity. I know sometimes when you get into pension laws, things like that, it sounds very convoluted. In essence, what some of these companies have been doing to these workers is nothing less than sheer thievery. They are able to save millions, in some cases hundreds of millions of dollars, by converting these plans over, robbing—yes, I use the word ''robbing''—their workers who have been loyal and hard working, robbing them of their rightful claims on future benefits, taking that money and giving it in higher benefits to the CEOs and the corporate executives, golden parachutes. It is not right. It is not fair.

There is one thing that has distinguished the American workplace from others around the world. We have valued loyalty. If you are hard working and loyal, companies value that. At least they used to. That is one of the reasons we had pension plans—the longer you worked there, the more benefit you had in your pension program. Obviously, the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are. We valued that loyalty.

If companies are able to just change these plans, what kind of a signal does that send to the workers? It sends this signal: Don't be loyal. You are a fool if you are loyal because if you work here for 20 or 25 years, we can just change the rules of the game, and break our promise.

What it says to younger workers is: It would be crazy to work for this company for a long time. I will work here a couple years; I will move on.

It destroys the kind of work ethic we have come to value and that we know built this country. I also thought we valued fairness when it comes to workers. A deal is a deal. Let's say I wanted to hire you. I said: I will hire you for 5 years, pay you $50,000 a year. But if you stay with me for 5 years, I will give you a $50,000 bonus.

You say, OK, that is good. So now you work for me 3 years and you are thinking you have 2 more years to go and you will get that $50,000 bonus. But at the end of the third year I come to you and say: Do you remember the deal we made where I said if you work for me for 5 years you will get that $50,000 bonus? Well, the deal is off.

Well, now you have 3 years invested there. If you had known that the deal was going to be off, maybe you would not have gone to work for me. Maybe you would have gone to work someplace else. Is that the way we want to treat workers in this country, where I have all the cards and you have none, and I can make whatever deal I want, but I can change the rules any time I want to and take away your pension? That is what this is about.

Well, as Senator DURBIN said, I thought we had a good meeting with Mr. Snow. I am encouraged by the fact that, as a CEO of his corporation, when they changed their plans over, they left a choice for workers. That is the right and honorable way to do things. I compliment Mr. Snow for having done that. I am also assured that the rules of the game won't be changed in the middle. In other words, there is a moratorium on right now, and I am assured that the moratorium will stay on at least until a final rule is promulgated.

Mr. Snow has said he would agree to meet with people—employers, representatives of labor groups, representatives of elderly groups—to get their input on this approach and, hopefully, on perhaps having a new rule.

I want to make it clear this Senator will continue to press for the Treasury Department—when Mr. Snow gets confirmed and sworn in—to withdraw that rule. He has the power to do it as Secretary of the Treasury—withdraw the proposed rule and come out with a new one that more closely reflects what he had done as a CEO of a corporation earlier on when they changed their plans over. That is the fair way to do it. This is an issue that is not going to go away. Again, I think more and more working Americans are beginning to find out their hard work and loyalty is being taken away and they have no voice. Well, that is what we are here for, to help protect these people, and to make sure their voice is heard and to make sure the pensions they have built up over a long period of time over their working years is not unilaterally taken away by the companies for whom they worked.

Again, I have no intention of holding up Mr. Snow's nomination at all. As I said, my only intention in doing this was to raise this issue up, to make sure Mr. Snow understood the depth of our feelings about it, the history in the Senate that we had passed a sense-of-the-Senate resolution unanimously in 2000, and that there are a lot of strong feelings nationally—just witness the 1,000 cases now pending before the EEOC, plus the fact that there are now about 300 filings right now before the IRS, Internal Revenue Service, by companies wanting to engage in this practice—change from defined benefit plans, to cash balance plans, without protecting the rights of the workers. I have estimated, roughly, that this represents several hundred thousand workers in this country who would be affected by this.

We need to send a clear and strong signal that we are not going to allow this to happen. If companies want to change plans, fine; but give the workers the choice to stick with the plan they have had or to take the new one. That is all we are asking for.

Mr. President, again, I congratulate Mr. Snow on his selection to be Secretary of the Treasury. I look forward to working with him. I thank him for his distinguished career, and I hope he is able to bring to the position that he will assume shortly the philosophy he had when he was the CEO of CSX Rail, and the kind of implementation of the change in their pension plans will be the kind of philosophy that we will have now at the Department of the Treasury.

Every worker in this country ought to have the right to choose just like the workers at CSX had under Mr. Snow. Again, I look forward to working with Mr. Snow on this issue. I hope we can get a fair resolution of this in the days and weeks to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HIV/AIDS

Mr. FRIST. Mr. President, for a few moments before closing tonight—and we have had a very productive day and we will make the more formal announcements in about 15 minutes or so—I take a few moments addressing an issue that means a lot to me, personally, and to take a moment to reflect upon an announcement that the President made at the State of the Union two nights ago.

It has to do with a little virus, called HIV/AIDS virus, and the devastation it has wrought on individuals, most importantly, but also communities and villages and counties and States and countries and continents and, indeed, the whole world.

Once a year I have a wonderful opportunity to travel to Africa as part of a medical mission team. I travel not as a Senator, but I have the opportunity to travel as a physician. Last January, on one of these medical mission trips, I treated patients in villages and in clinics and a number of countries in Africa, including the Sudan, Uganda, Tanzania, and Kenya. Many of the patients I dealt with were infected with HIV/AIDS virus. This little tiny virus, a microorganism, causes this disease we all know as AIDS.

I think back to a number of patients. In Arusha, in the slums, conditions are crowded, but as you walk through these very crowded slums, the people there are very proud. While there, I visited with a young woman by the name of Tabu. She lived in a small—by small I mean one room, probably 8 feet by 8 feet—stick-framed mud hut. I remember walking in there, as my eyes adjusted, and seeing a very beautiful woman, 28 years old, sitting on the edge of the bed—a human smile. And on the walls behind her, to keep moisture out, were newspapers plastered on the walls. Again, things neat and clean, but a very small hut which was her home—a woman with a broad smile who was obviously sick, and very sick, meaning she would die in the next week to 2 weeks.

She lived in this, her home, with her 11-year-old daughter, Adija, whom I also met, although her other children